

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GREGORY WAYNE SUMMERS,

Plaintiff,

v.

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

No. 2:15-CV-0290-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND PURSUANT
TO SENTENCE SIX OF 42 U.S.C. §
405(g)

BEFORE THE COURT is the parties' Stipulated Motion for Remand of the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to Sentence Six of 42 U.S.C. § 405(g). ECF No. 8. Attorney Dana C. Madsen represents Plaintiff; Special Assistant United States Attorney Daphne Banay represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 4.

Plaintiff filed his complaint in this matter on October 16, 2015. ECF No. 1. Defendant has yet to file an answer to the complaint, and a briefing schedule has not been established. The administrative law judge's November 4, 2014, decision in this matter indicated Plaintiff's claims were consolidated and all medical records were considered in both claims. ECF No. 8. However, according to the parties, the claims were not consolidated into a single claim folder, and all the records were not included in a single folder. ECF No. 8. Accordingly, a remand pursuant to Sentence Six of 42 U.S.C. § 405(g) is necessary in this case.

ORDER GRANTING STIPULATED MOTION TO REMAND . . . - 1

1 After considering the file and proposed order, the Court finds good cause
2 exists for the matter to be remanded, pursuant to Sentence Six, for a *de novo*
3 hearing and new decision. Accordingly,

4 **IT IS ORDERED:**

5 1. The Defendant's Motion For Remand Pursuant to Sentence Six of 42
6 U.S.C. § 405(g), **ECF No. 8**, is **GRANTED**.

7 2. The above-captioned case is **REVERSED** and **REMANDED** to the
8 Commissioner of Social Security for further administrative proceedings, including
9 a *de novo* hearing, pursuant to sentence six of 42 U.S.C. § 405(g). The Appeals
10 Council will remand this case and instruct the administrative law judge (ALJ) to
11 consolidate the claims and add relevant documents from the subsequent electronic
12 claim to the remanded claim (by the Appeals Council on January 29, 2014
13 pursuant to the remand by the United States District Court for the Eastern District
14 of Washington (2:12-cv-0533-JTR)) to be exhibited pursuant to 20 C.F.R. §§
15 404.952, 416.1452 and HALLEX 1-1-10-10. The ALJ shall take any additional
16 action necessary to complete the administrative record and issue a new decision
17 based on the corrected record.

18 3. The Court shall maintain jurisdiction of this action pursuant to 42
19 U.S.C. § 405(g). If the outcome is still unfavorable to Plaintiff, he may seek
20 judicial review by reinstating this case rather than by filing a new complaint.

21 The District Court Executive is directed to enter this Order, forward copies
22 to counsel, and **ADMINISTRATIVELY CLOSE THE FILE**.

23 DATED March 3, 2016.



A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE